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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

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REDACTED FOR  
PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

vs.

1. Marcos Balderas Millan,  
(Counts 1 – 4)
2. Noe Mendoza,  
(Counts 3 – 4)

Defendants.

No. CR-21-00808-PHX-DLR (JZB)

**INDICTMENT**

VIO: 18 U.S.C. § 554(a)  
(Smuggling Goods from the United States)  
Counts 1 - 4

18 U.S.C. §§ 924(d) and 981,  
21 U.S.C. §§ 853 and 881; and  
28 U.S.C. § 2461(c)  
(Forfeiture Allegation)

**THE GRAND JURY CHARGES:**

**COUNT 1**

On or about December 30, 2019, in the District of Arizona, Defendant MARCOS BALDERAS MILLAN, knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: S&W .380 Pistol, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2;

1 Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations,  
2 Part 738.

3 In violation of Title 18, United States Code, Section 554(a).

4 **COUNT 2**

5 On or about February 6, 2020, in the District of Arizona, Defendant MARCOS  
6 BALDERAS MILLAN, knowingly and fraudulently exported and sent from the United  
7 States, and attempted to export and send from the United States, any merchandise, article,  
8 or object contrary to any law or regulation of the United States, and received, concealed,  
9 bought, sold, and in any manner facilitated the transportation, concealment, and sale of  
10 such merchandise, article or object, that is: Braztech 22LR Rifle, knowing the same to be  
11 intended for exportation contrary to any law or regulation of the United States, to wit: Title  
12 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2;  
13 Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations,  
14 Part 738.

15 In violation of Title 18, United States Code, Section 554(a).

16 **COUNT 3**

17 On or about March 14, 2020, in the District of Arizona, Defendants MARCOS  
18 BALDERAS MILLAN and NOE MENDOZA, knowingly and fraudulently exported and  
19 sent from the United States, and attempted to export and send from the United States, any  
20 merchandise, article, or object contrary to any law or regulation of the United States, and  
21 received, concealed, bought, sold, and in any manner facilitated the transportation,  
22 concealment, and sale of such merchandise, article or object, that is: 100 rounds of .50  
23 Caliber Ammunition, knowing the same to be intended for exportation contrary to any law  
24 or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title  
25 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part  
26 774; and Title 15, Code of Federal Regulations, Part 738.

27 In violation of Title 18, United States Code, Section 554(a).

28

**COUNT 4**

On or about March 25, 2020, in the District of Arizona, Defendants MARCOS BALDERAS MILLAN and NOE MENDOZA, knowingly and fraudulently attempted to export and send from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: 300 rounds of .50 Caliber Ammunition, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

**FORFEITURE ALLEGATION**

The Grand Jury realleges and incorporates the allegations of Counts 1 through 4 of this Indictment, which are incorporated by reference as though fully set forth herein.

Pursuant to 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c), and upon conviction of the offenses alleged in Counts 1 - 4 of this Indictment, the defendant shall forfeit to the United States of America all right, title, and interest in (a) any property constituting, or derived from, any proceeds the persons obtained, directly or indirectly, as the result of the offense, and (b) any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense as to which property the defendants is liable. If any forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence,
- (2) has been transferred or sold to, or deposited with, a third party,
- (3) has been placed beyond the jurisdiction of the court,
- (4) has been substantially diminished in value, or
- (5) has been commingled with other property which cannot be divided

1 without difficulty,

2 it is the intent of the United States to seek forfeiture of any other property of said  
3 defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C.  
4 § 853(p).

5 All in accordance with 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, 28  
6 U.S.C. § 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure.

7 A TRUE BILL

8  
9 s/  
FOREPERSON OF THE GRAND JURY  
Date: October 5, 2021

10  
11 GLENN B. McCORMICK  
12 Acting United States Attorney  
District of Arizona

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14 s/  
ADDISON SANTOME  
15 Assistant U.S. Attorney  
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